

PAUL R.M. CULLEN, ESQ.
Nevada Bar No. 12355
BERTOLDO BAKER CARTER & SMITH
7408 W. Sahara Avenue
Las Vegas, Nevada 89117
Phone: (702) 228-2600
Fax: (702) 228-2333
paul@nvlegaljustice.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

GALANNA THOMAS,

Plaintiff,

vs.

WALMART, INC., a foreign corporation,
doing business as WALMART STORE #2884;
DOES 1 through 20, inclusive, and ROE
BUSINESS ENTITIES 1 through 20, inclusive,

Defendants.

CASE NO.: 2:20-cv-00916-JAD-BNW

JOINT STATUS REPORT

COMES NOW Plaintiff, GALANNA THOMAS, by and through her attorney, PAUL R.M. CULLEN, of the law firm BERTOLDO BAKER CARTER & SMITH, and Defendant WALMART, INC., by and through their attorney DANIEL E. JOSLYN, ESQ. and the law firm of PHILLIPS SPALLAS & ANGSTADS, LLC herein submits the following Joint Status Report pursuant to the Court's Minute Order dated April 9, 2021.

I. STATUS OF ACTION

Plaintiff filed her Complaint on January 31, 2020, in the Eighth Judicial District Court, Clark County, of the State of Nevada. Defendant was served with the Summons and Complaint on February 4 2020. Defendant filed its Answer to Plaintiff's Complaint on February 18, 2020. Defendant then removed this action to the United States District Court, District of Nevada on May 21, 2020. Defendant filed its Statement Regarding Removal on May 28, 2020, pursuant to this Court's May 21, 2020 Minute Order (Document #2). Defendants filed their Certificate of Interested Parties on May 21, 2020. A Rule 26-1(a)(f) Conference was held on May 29, 2020.

The parties resolved the case in late 2020. Plaintiff is a medicare recipient and it took an extended amount of time to get final lien information from Medicare to be able to properly and accurately effectuate closing documents. Plaintiff counsel provided final lien information to Defense counsel on April 13, 2021. Prior to final lien information, Walmart provide a release which was not acceptable to Plaintiff based upon numerous conditions which were not negotiated or contemplated as part of the settlement. Plaintiff's counsel requested a revised release which did not contain objectionable clauses therein. Plaintiff is waiting for the revised release from Walmart at this time. The parties will meet and confer and file appropriate motions enforcing settlement if need be.

ACTION REQUIRED TO BE TAKEN BY THE COURT

None at this time.

Dated this 10th day of May, 2021.

Dated this 10th day of May, 2021.

BERTOLDO, BAKER, CARTER & SMITH

PHILLIPS SPALLAS & ANGSTADS, LLC

/s/ Paul R.M. Cullen, Esq.\

PAUL R.M. CULLEN, ESQ.

Nevada Bar No. 12355
7408 West Sahara Avenue
Las Vegas, Nevada 89117
Attorneys for Plaintiff

/s/ Daniel E. Joslyn, Esq.

ROBERT K. PHILLIPS, ESQ.

Nevada Bar No. 11441
DANIEL E. JOSLYN, ESQ.
Nevada Bar No. 14725
Phillips Spallas & Angstadt LLC
504 South Ninth Street
Las Vegas Nevada 89101
Fax: 702-938-1511
Attorney for Defendant

ORDER

The parties filed a notice of settlement in April 2021. ECF No. 10. Now, at ECF No. 12 the parties inform the Court that they are in disagreement about the release provisions in the settlement. Plaintiff has requested and is currently awaiting an updated release provision, and the parties represent that they will meet and confer on this issue.

IT IS ORDERED that by 5/28/2021 defendant must provide updated release provisions to plaintiff. IT IS FURTHER ORDERED that by 6/11/2021 the parties must file either dismissal documents or an additional joint status report concerning the status of settlement.

IT IS SO ORDERED

DATED: 12:23 pm, May 14, 2021



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE